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Attorney for Secured Creditor

**UNITED STATES BANKRUPTCY COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

In re:

Rena Mouton,

Debtor.

Case No. 2:20-bk-11061-SK

Chapter 13

**OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN**

341(a) Meeting:

Date: 3/6/2020

Time: 11:00 AM

Place: RM 1, 10th Floor

915 Wilshire Blvd.

Los Angeles, CA 90017

Confirmation Hearing:

Date: 4/16/2020

Time: 10:00 AM

Place: Courtroom 1575

255 E Temple Street

Los Angeles, CA 90012

**TO THE HONORABLE SANDRA R. KLEIN, UNITED STATES BANKRUPTCY COURT
JUDGE, THE DEBTOR, DEBTOR'S COUNSEL, THE TRUSTEE, AND OTHER INTERESTED
PARTIES:**

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-9CB,
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-9CB ("Secured Creditor"), as

1 serviced by NewRez LLC d/b/a Shellpoint Mortgage Servicing ("Shellpoint"), hereby objects to the
2 confirmation of the Debtor's Chapter 13 Plan in the above-captioned matter. Secured Creditor is a party
3 in interest as the holder of a secured claim and therefore has standing to object to the Debtor's Chapter
4 13 Plan. Secured Creditor objects to the Debtor's Chapter 13 Plan on the following grounds:

5 **1. Secured Creditor's claim relating to the Property.** At the time of the bankruptcy petition filing,
6 Secured Creditor's claim was in the approximate amount of \$266,307.05, including arrearage in the
7 amount of approximately \$21,718.46. Secured Creditor's claim is secured by the real property commonly
8 known as 1022 Calle Vista Calma, Oxnard, California 93030 (the "Property"). Secured Creditor is in the
9 process of preparing its Proof of Claim and will file it on or before the Proof of Claim filing deadline of
10 April 10, 2020. True and correct copies of the promissory note, deed of trust, assignment of deed of
11 trust, grant deed, and loan modification agreement are attached hereto as Exhibits, 1, 2, 3, 4, and 5,
12 respectively.

13 **2. Pursuant to 11 U.S.C. §1322(b)(5), the plan fails to provide for the curing of the default on**
14 **Secured Creditor's claim.** According to the plan, Debtor has not provided for Secured Creditors claim
15 or the arrears on Secured Creditor's claim. The arrearage on Secured Creditor's claim is in the amount
16 of \$21,718.46. Debtor has failed to provide for the curing of the remaining default of \$21,718.46.
17 Secured Creditor has satisfied its grounds for objection under 11 U.S.C. §1322(b)(5).

18 **3. Pursuant to 11 U.S.C. §1325(a)(6), the Plan fails to provide how Debtor will be able to make**
19 **all payments under the Plan and to comply with the Plan.** According to the plan, Debtor will make
20 monthly payments of \$975.00 for 60 months to the Trustee for a base plan amount of \$58,500.00. Debtor
21 has failed to demonstrate how to fund the plan once the arrears on Secured Creditor's claim, an additional
22 \$21,718.46, is fully provided for. Secured Creditor has satisfied its grounds for objection under 11 U.S.C.
23 §1325(a)(6).

24 CONCLUSION

25 Any Chapter 13 Plan proposed by Debtor must provide for Secured Creditor's claim and eliminate the
26 Objections specified above in order to be reasonable and to comply with applicable provisions of the
27 Bankruptcy Code. It is respectfully requested that confirmation of the Debtor's proposed Chapter 13
28 Plan be denied.

WHEREFORE, Secured Creditor respectfully requests that:

4. Confirmation of Debtor's Chapter 13 Plan be denied; or, in the alternative,
5. Debtor's Plan be amended in accordance with this Objection.
6. For other such relief as the Court deems just and proper.

Dated: 3/31/2020

Respectfully Submitted,
Bonial & Associates, P.C.

By: /s/ Kirsten Martinez
Kirsten Martinez
Attorney for Secured Creditor

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**14841 Dallas Parkway, Suite 425
Dallas, Texas 75254**

A true and correct copy of the foregoing document entitled (*specify*): **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **3/31/2020**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

U.S. Trustee
ustpreion16.la.ecf@usdoj.gov

Trustee
Kathy A. Dockery
EFiling@LATrustee.com

Debtor's Attorney
Misty Wilks
misty@wilkslawoffice.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **3/31/2020**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

U.S. Bankruptcy Court Judge
Honorable Sandra R. Klein
255 E. Temple Street, Suite 1582
Los Angeles, CA 90012

Debtor
Rena Mouton
734 E 83rd St
Los Angeles, California 90001

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

3/31/2020
Date

Bristol Cox
Printed Name

/s/ Bristol Cox
Signature